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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**
10

11 Christopher Jones,

12 Petitioner,

13 v.

14
15 Domingo Uribe,

16 Respondent.
17

CASE NO. 09cv1896-JM (LSP)

**ORDER ADOPTING REPORT
AND RECOMMENDATION
DENYING RESPONDENT'S
MOTION TO DISMISS**

Doc. No. 9

18 On April 28, 2009, Magistrate Judge Porter entered a Report and Recommendation (Doc. No.
19 13). The Report and Recommendation, expressly incorporated herein, thoroughly and thoughtfully
20 analyzed Respondent Domingo Uribe's motion to dismiss and recommended that it be denied, with
21 leave to amend. This Court agrees with the Magistrate Judge's assessment of the law, and is
22 unpersuaded by the opposition to the Report and Recommendation filed by Respondent. (Doc. No. 15).

23 Therefore, **IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge are
24 adopted in their entirety and this Court **DENIES** Respondent's motion to dismiss, with leave to amend.

25 DATED: July 12, 2010

26 
27 Hon. Jeffrey T. Miller
28 United States District Judge